

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MATTHEW CESTRA,	)	
	)	Civil Action No. 14-825
Plaintiff,	)	
	)	
v.	)	Chief United States District Judge
	)	Joy Flowers Conti
MYLAN, INC., t/d/b/a Mylan	)	
Pharmaceuticals, Inc., and MYLAN	)	
PHARMACEUTICALS, INC.,	)	United States Magistrate Judge
	)	Cynthia Reed Eddy
Defendants.	)	

**ORDER**

**AND NOW**, this 22nd day of May, 2015, it is hereby **ORDERED, ADJUDGED AND DECREED** that for the reasons set forth in the accompanying memorandum opinion, defendants' motion to dismiss the amended complaint (ECF No. 16) is **DENIED**, defendants' alternative motion to strike allegations in the amended complaint (ECF No. 16) is **DENIED**, and the objections to the report and recommendation (ECF No. 28) are **OVERRULED**.

It is further **ORDERED** that the report and recommendation (ECF No. 27) is **ADOPTED** as the opinion of the court.

It is further **ORDERED** that defendants' alternative motion for certification pursuant to 28 U.S.C. § 1292(b) is **GRANTED**, as the court concludes that an immediate appeal of this Order would materially advance the end of this litigation because a controlling question of law about which there are substantial grounds for difference of opinion is involved. Therefore, it is **ORDERED** that permission to appeal this order is granted with respect to the following question of law:

Whether the antiretaliation provision of the False Claims Act (“FCA”), 31 U.S.C. § 3730(h)(1), applies to an employer that fired an employee after discovering that the employee was a whistleblower and relator in an ongoing *qui tam* action under the FCA against his former, unrelated employer.

It is further **ORDERED** that any party wishing to immediately appeal this order to the United States Court of Appeals for the Third Circuit shall file a petition for permission to appeal within 10 days of this order, as prescribed by 28 U.S.C. § 1292(b) and Rule 5 of the Federal Rules of Appellate Procedure.

BY THE COURT:

Dated: May 22, 2015

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief, United States District Judge

cc: all counsel of record via CM-ECF